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By-law 2020-43

A By-law to Transfer Ownership of and Jurisdiction Over Courthouse Road from the Corporation of the Town of Cobourg (“the Town”) to the Corporation of the County of Northumberland (“the Municipality”)

The *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “Act”) provides that a municipal power shall be exercised by by-law unless the Municipality is specifically authorized to do otherwise; and

Pursuant to Section 11 (1) of the Act, the Municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4); and

Pursuant to Section 11(2) 4 of the Act, the Municipality may pass by-laws, subject to the rules set out in subsection (4), respecting public assets of the municipality acquired for the purpose of exercising its authority under the Act or any other Act; and

Pursuant to Section 11(2)5 of the Act, the Municipality may pass by-laws, subject to the rules set out in subsection (4), respecting economic, social and environmental well-being of the municipality, including respecting climate change; and

Pursuant to Section 11(2)7 of the Act, the Municipality may pass by-laws, subject to the rules set out in subsection (4), respecting services and things that the municipality is authorized to provide under subsection (1); and

Pursuant to Section 11(3) of the Act the Municipality may pass by-laws respecting highways, including parking and traffic on highways; and

Pursuant to Section 52(1) of the Act the Municipality may add a lower-tier highway, including a boundary line highway, to its highway system from any of its lower-tier municipalities; and

Whereas the Town is a lower-tier municipality forming part of the Municipality, which is an upper-tier municipality; and

Whereas the Town is presently the owner of Courthouse Road, a public highway legally described as: Firstly lot 4 Plan Caddy (formerly lot 21 concession 1 Hamilton) Cobourg and Secondly Part Lot 5 Plan Caddy (formerly lot 21 concession 1 Hamilton) Cobourg, being parts 4, 5, 6, 7, 8 and 10 on 39R-14175; Subject to a Right of Way for the purposes of ingress and egress over part 8 and 10 in favour of PIN 51085-0341; subject to a Right of Way for the purposes of ingress and egress over 7, 8 and 10 in favour of PIN 51085-0346; Subject to a Right of Way for the purposes of ingress and egress over part 4 and 5 in favour of PIN 51085-0334; and Subject to a Right of Way for the purposes of ingress and egress over part 4 in favour of PIN 51085-1488; and

Whereas the Municipality is in the process of redeveloping the Golden Plough Lodge located within the Town, and the Municipality deems it appropriate and necessary as part of that project to acquire ownership of and jurisdiction over Courthouse Road which provides access to the site presently and as planned into the future; and

Pursuant to Section 128(2) of the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, the council of a municipality may, for motor vehicles driven on a highway or portion of a highway under its jurisdiction, by by-law prescribe a rate of speed different from the rate set out in subsection (1) that is not greater than 100 kilometres per hour and may prescribe different rates of speed for different times of day; and

Pursuant to Section 128(2.1) of the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, a by-law passed under subsection (2) may designate an area in the municipality and prescribe a rate of speed, which must be less than 50 kilometres per hour, that applies to all highways within the designated area that, absent a by-law passed under subsection (2), would have a prescribed rate of speed of 50 kilometres per hour under clause (1) (a);

Now Therefore be it enacted as a by-law of the Council of the Corporation of the County of Northumberland as follows:

1. That Courthouse Road in the Town, a public highway legally described as Firstly lot 4 Plan Caddy (formerly lot 21 concession 1 Hamilton) Cobourg and Secondly Part Lot 5 Plan Caddy (formerly lot 21 concession 1 Hamilton) Cobourg, being parts 4, 5, 6,7,8 and 10 on 39R-14175; Subject to a Right of Way for the purposes of ingress and egress over part 8 and 10 in favour of PIN 51085-0341; subject to a Right of Way for the purposes of ingress and egress over 7, 8 and 10 in favour of PIN 51085-0346; Subject to a Right of Way for the purposes of ingress and egress over part 4 and 5 in favour of PIN 51085-0334; and Subject to a Right of Way for the purposes of ingress and egress over part 4 in favour of PIN 51085-1488, is hereby transferred to the Municipality and added to the Municipality's highway system.
2. That the speed limit on Courthouse Road shall be 30 kilometers per hour effective upon the transfer of Courthouse Road to the Municipality under this By-law.

That By-law No. 2020-43 be introduced and be deemed to be read a first, second and third time and passed, signed and sealed this 21st day of October, 2020.

Robert Sanderson, Warden

Nancy MacDonald, Clerk